IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

Bail Appl..No. 5261 of 2007()

CRIME NO. 88/07 OF KORATTY POLICE STATION
CRMP.10265/2007 of J.M.F.C.,CHALAKUDY

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PETITIONER : ACCUSED NO.4:

BIJU, S/O.VELAYUDHAN,
PANAMKOOTTATHIL HOUSE, KORATTY,
THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE:

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5261 of 2007

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Dated this the 6th day of September, 2007

O R D E R

Application for regular bail. The petitioner is the 4th accused. He faces allegations, inter alia, under Section 395 I.P.C. The alleged occurrence took place on 26.2.2007. The crux of the allegations is that when the defacto complainant and others were carrying a huge amount of Rs.10 lakhs in a motor car, the miscreants allegedly stopped them, attacked them and robbed them of the amount which they were carrying. The miscreants are not named in the F.I.R. In the course of investigation their identity has been ascertained and they have been arrayed as accused. Altogether 15 accused have by now been arrayed. Some of the accused have been arrested and enlarged on bail. Some of them are still at large. The petitioner was arrested on 2.8.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has been remaining in custody from 2.8.07.

3. The learned Prosecutor opposes the application. The petitioner has a dubious history of criminal antecedents. The vehicle

in which the miscreants were travelling is found to be a stolen vehicle. A serious view may be taken, submits the Prosecutor. At any rate, the petitioner's prayer for release may not be considered favourably at this stage. In a serious crime like this the Investigators may be given sufficient and reasonable time to complete the investigation, submits the Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition made by the learned Prosecutor. I am satisfied, as rightly pointed out by the learned Prosecutor, that it is too early to consider the release of the petitioner on bail. The Investigators are certainly entitled for reasonable further time to complete the investigation.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the courts below or this Court for bail again at a later stage of the investigation, not at any rate, prior to 20.9.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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